

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 98-515-T**

IN RE: Petition of the Office of Regulatory	)	
Staff to Revoke the Charter Bus	)	PETITION FOR RULE TO
Certificate of Creative Charters, Inc.	)	SHOW CAUSE
For Failure to Maintain and File	)	
Evidence of Insurance	)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp.2005); that the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2005 S.C. Acts 175.

2. That Creative Charters, Inc. (hereinafter “Creative Charters”) is currently operating as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) (Supp.2005) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That Creative Charters is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp.2005); further, that Creative Charters has submitted itself to the jurisdiction of the Commission by holding a Charter Bus Certificate as indicated in Attachment A. See Attachment A, Charter Bus Certificate issued by the Commission to Creative Charters on November 5, 1998.

4. That Creative Charters, upon receiving its Charter Bus Certificate, was found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found Creative Charters to be “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that Creative Charters “agree(d) to operate in compliance with these statutes and regulations” [26 S.C. Code Regs 103-133(4)(a) (Supp. 2005)]; further, that Creative Charters was “aware of the Commission's insurance requirements and the costs associated therewith” [26 S.C. Code Regs 103-133(4)(b) (Supp. 2005)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp.2005).

6. That the ORS was notified by the receipt of a Form K, “Uniform Notice of Cancellation of Motor Carrier Insurance Policies,” received by the ORS on or about July 6, 2006 from the Lancer Insurance Company that Creative Charters’ insurance policy with Lancer Insurance Company would be terminated at 12:01am on June 29, 2006. See Attachment B, Form K.

7. That as a result of the receipt of the Form K, the ORS contacted Creative Charters requiring that the Company provide evidence of insurance to the ORS within thirty (30) days as Creative Charters would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2005) on June 29, 2006. See Attachment B, Form K and Attachment C, Certified Letter of George Parker.

8. That Creative Charters has failed to respond or otherwise provide proof of insurance to the ORS as required by S.C. Code Ann. §58-23-910 (Supp.2005) and 26 S.C. Code Regs 103-171 (Supp.2005). See Attachment D, Affidavit of Jeanne Gordon.

9. That “either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.” 26 S.C. Code Regs. 103-175 (Supp. 2005); further, that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2005).

10. That pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2005):

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Charter Bus Certificate is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

11. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp.2005).

12. That the address upon which the ORS served the letter attached hereto as Attachment A, notifying Creative Charters that it was no longer in compliance with the Commission requirements concerning proof of insurance, is the mailing address on file with the Commission and ORS and such address was provided by Creative Charters.

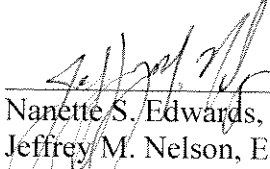
**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Immediately suspend the effectiveness of the Charter Bus Certificate held by Creative Charters shown in Attachment A for its failure to file necessary proof of insurance forms pursuant to 26 S.C. Code Regs. 103-175 (Supp.2005);

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate which the ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-175 and 103-240 (Supp.2005) and S.C. Code Ann. §58-23-320 (Supp.2005).

3. Following the formal administrative hearing, immediately rule to revoke the Certificate of Creative Charters in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 and thereafter immediately enter a final written order canceling the Charter Bus Certificate held by Creative Charters;

4. For other appropriate action which the Commission may deem necessary.



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Nanette S. Edwards, Esquire  
Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
P.O. Box 11263  
Columbia, South Carolina 29211

September 6, 2006  
Columbia, South Carolina



**Public Service Commission of South Carolina**  
**Columbia, South Carolina**

**CLASS C – Charter Bus**

Docket No. 98-515-T

Order No. 98-845

Certificate No. 0015

**CHARTER BUS CERTIFICATE**

NAME: **CREATIVE CHARTERS, INC.**

ADDRESS Metric Road, Laurens, SC 29360

(Mailing Address: Post Office Box 1497, Laurens, SC 29360)

a charter bus passenger service, by means of motor propelled vehicles, has furnished evidence of compliance with regard to minimum amounts of financial responsibility relating to insurance requirements and safety requirements of the South Carolina Department of Public Safety.

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

COPY

Neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 5th day of November A.D., 19 98.

*Mary E. Walsh*  
Executive Director

*Philip T. Bradley*  
Chairman

**FORM K**

**UNIFORM NOTICE OF CANCELLATION OF  
MOTOR CARRIER INSURANCE POLICIES**  
(EXECUTED IN TRIPLICATE)

Check Type Canceled  
BI and PD ☒  
Cargo ☐

Filed with

SOUTH CAROLINA PUBLIC SERVICE COMMISSION  
TRANSPORTATION DIVISION  
(NAME OF AGENCY)

(hereinafter called Agency)

This is to advise that under the terms of a policy or policies issued to:

CREATIVE CHARTERS, INC.

(NAME OF MOTOR CARRIER)

of P.O. BOX 1497, LAURENS, SC 29360

(ADDRESS OF MOTOR CARRIER)

by LANCER INSURANCE COMPANY

(NAME OF COMPANY)

of 370 WEST PARK AVENUE, LONG BEACH, NY 11561

(ADDRESS)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are)  
hereby

canceled effective as of the 29TH  
time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual  
receipt of this notice by the Agency.

day of JUNE

, 2006, 12:01 A.M., standard

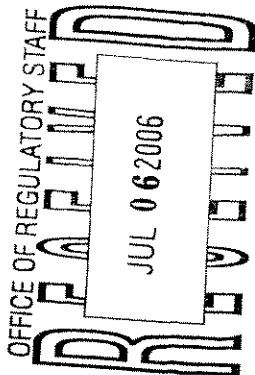
Insurance Company File No BA136168

(c) MC 2445 (Ed. 4-88)

(POLICY NUMBER)

*Alfred J. Pica*  
(SIGNATURE OF INSURER)

1RB 3547A



C. DUKES SCOTT  
EXECUTIVE DIRECTOR

P.O. Box 11263  
Columbia, S.C. 29211



Phone: (803) 737-0800  
Fax: (803) 737-0801

DAN F. ARNETT  
CHIEF OF STAFF

KATIE C. MORGAN  
DIRECTOR  
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

July 6, 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Creative Charters, Inc.  
PO box 1497  
Laurens SC 29360

**RE: Public Service Commission Required Intrastate Insurance Filing**

Dear Sir/Madam:

Pursuant to S.C. Code Regs 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance.

The Office of Regulatory Staff has received the following notice affecting your current insurance coverage:

Insurance Type:	Public Liability and Property Damage Insurance Policy No <b>BA136168</b>
Issued by:	Lancer Insurance Company
Will be:	<b>CANCELLED EFFECTIVE 06/29/06 at 12:01 a.m.</b>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage with the Office of Regulatory Staff no later than August 4, 2006. Proof of insurance can be mailed or faxed to:

State of South Carolina  
Office of Regulatory Staff  
Transportation Department  
PO Box 11263  
Columbia, SC 29211  
Fax number: 803/737-0801

**If you fail to provide this information, you are ordered and directed to cease operations as of the above cancellation date.**

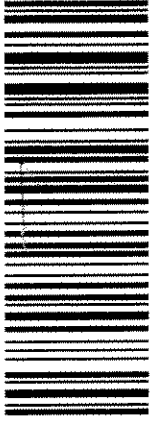
Operation without proper insurance is a **violation of the law** and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803/737-0800.

Sincerely,

L. George Parker  
Program Manager  
Transportation Department

State of South Carolina  
Office of Regulatory Staff  
PO Box 11263  
Columbia, SC 29211



7004 2510 0005 5751 7496

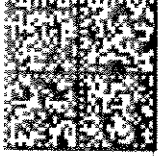
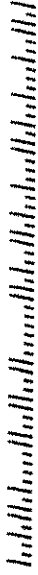
**REFUSED**

*Business Closed*

Creative Charters, Inc.  
PO box 1497  
Laurens SC 29360

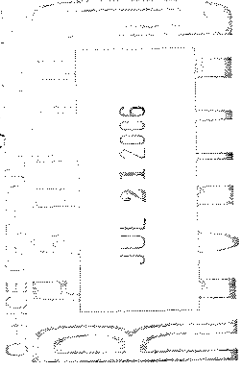
*Refused*

29360+1497-57 8016



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MAILED FROM ZIP CODE 29201

7/13/06PS



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 98-515-T**

**August 17, 2006**

IN RE: Petition of the Office of Regulatory )  
Staff to Revoke Certificates of ) AFFIDAVIT OF  
Public Convenience and ) Jeanne Gordon  
Necessity of Certain Motor Carriers )

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On June 29, 2006, I examined the business records on file with ORS.
- 7) I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of August 16, 2006:

**Creative Charters, Inc.**  
**PO Box 1497**  
**Laurens, SC 29360**

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon

Jeanne Gordon

Program Specialist, Transportation Department

**Office of Regulatory Staff**

P.O. Box 11263

Columbia, South Carolina 29211

Sworn and subscribed before me

this 16 day of August, 20 06

Susan Hauptmann

Notary Public for South Carolina

My Commission Expires: 08-17-07